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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,149	04/16/2004	Michael A. Spohn	CV/04-002	8770

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EXAMINER
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GILBERT, ANDREW M

ART UNIT	PAPER NUMBER
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3767

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/826,149

Applicant(s)

SPOHN ET AL.

Examiner

Andrew M. Gilbert

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Acknowledgments***

1. This office action is in response to the reply filed on 1/3/2007.
2. In the reply the Applicant amended the specification to include pending Application numbers. Thus, the objection to the specification is obviated.
3. Additionally, the Applicant argued that the election/restriction requirement of Aug 2, 2006 is improper (see discussion below) and amended claim 60.

### ***Election/Restrictions***

4. In the Remarks filed on 1/3/2007, the Applicant argues that the claims are improperly grouped into 5 groups and should instead be grouped into three groups (see Remarks, pg 15). The Applicant contends that the Examiner has failed to show *by way of example*, that one of the subcombinations has utility other than in the disclosed combination (see MPEP 806.05(d)).
5. In response, the Examiner contends that in the restriction requirement filed on 8/2/2006, the Examiner provided such delineation that each of the groupings of inventions possessed separate utility other than the other subcombinations (see pg 2, discussion of Groups I-VI of Restriction requirement on 8/2/2006 and Non-Final Office Action on 9/29/2006, pg 2, paragraph 2). Additionally, for instance, Group I has separate utility from Group II, such as having a pressure isolation port; Group II has separate utility from Group III, such as a drip chamber can be useable in a variety of fluid flow situations not in the medical arts; Group III has separate utility from Group II, such as having a syringe for injection into a patient; Group III has separate utility from

Art Unit: 3767

Group IV, such as having a syringe for injection into a patient; Group IV has separate utility from Group V, such as being used to connect solid pipes or beams or any two members rather than two members of a fluid set; Group VI has separate utility from Group V, such as having a pump connected to the fluid set. Each subcombination has utility other than the disclosed combination and the Examiner feels that the discussion of each of the groupings of the claims showcased in the Restriction Requirement and the discussion above, by way of example and discussion, show how the subcombinations differed in utility. The Examiner maintains the finality of the Election/Restriction requirement.

6. Thus, claims 1-59 remain withdrawn and claims 60-75 are pending for examination.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 60-68, 72-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Trombley, III et al (6096011). Trombley, III et al discloses an injector system comprising: a source of injection fluid (505); a pump device (350); a fluid path set (Fig 6A-B) disposed between the source of injection fluid and the pump device, and comprising a first section (420) and a second section (510); and at least one connector (Fig 2-5) providing the removable fluid communication between the first section and the

Art Unit: 3767

second section, the connector comprising: a first connector member (155) associated with one of the first section and the second section and comprising an outer housing (172) and a first threaded member (172) disposed in the outer housing; and a second connector member (175) associated with the other of the first section and the second section and comprising a second threaded member (192); wherein the first threaded member and second threaded member cooperate to securely and releasably connect the first member to the second member to establish the removable fluid communication between the first section and the second section (Figs 1-6b; col 5, lns 38-45), and wherein the second threaded member is received in the outer housing of the first connector member when the first connector member is connected to the second connector member (Fig 5); as to claim 61, see (170, Fig 4); as to claim 62, see (170, Fig 4); as to claim 63, see (182, 192, Fig 4-5); as to claim 64, see (182, 192, Fig 4-5); as to claim 65, see (170, 192, Fig 4-5); as to claim 66, see (170, 192, Fig 4-5); as to claim 67, see (170, Fig 4; 192, Fig 4); as to claim 68, see (196, 198, 192; Fig 4-5, 172, 170); as to claim 72, see (Figs 6A-B); as to claim 73, see (Fig 6A, B; wherein the drip chamber has a projection, or spike 520); as to claim 74, see (400; col 6, lns 18-34); as to claim 75, see (194 and proximal edge portion of 155 (ie corners closest to reference number 166); Fig 4).

9. Claims 60, 61, 68, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz et al (6371942). Schwartz et al discloses an injector system comprising: a source of injection fluid (30); a pump device (22); a fluid path set (Fig 1) disposed between the source of injection fluid and the pump device, and comprising a

Art Unit: 3767

first section (fluid path inside 20) and a second section (16); and at least one connector (Fig 1) providing the removable fluid communication between the first section and the second section, the connector comprising: a first connector member (connector on end of syringe 22) associated with one of the first section and the second section and comprising an outer housing (Fig 1) and a first threaded member (Fig 1) disposed in the outer housing; and a second connector member (20) associated with the other of the first section and the second section and comprising a second threaded member (Fig 1); wherein the first threaded member and second threaded member cooperate to securely and releasably connect the first member to the second member to establish the removable fluid communication between the first section and the second section (Fig 1), and wherein the second threaded member is received in the outer housing of the first connector member when the first connector member is connected to the second connector member (Fig 1); as to claim 61, see (Fig 1); as to claim 68, see (Fig 1); as to claim 69, see (Fig 1).

10. Claims 60-67, 70-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Raines et al (5618268). Raines et al discloses an injector system comprising: a source of injection fluid (5); a pump device (22); a fluid path set (Fig 1) disposed between the source of injection fluid and the pump device, and comprising a first section (13) and a second section (16); and at least one connector (Fig 1-2c, 8) providing the removable fluid communication between the first section and the second section, the connector comprising: a first connector member (23) associated with one of the first section and the second section and comprising an outer housing (16) and a first threaded member

Art Unit: 3767

(74) disposed in the outer housing; and a second connector member (66) associated with the other of the first section and the second section and comprising a second threaded member (72); wherein the first threaded member and second threaded member cooperate to securely and releasably connect the first member to the second member to establish the removable fluid communication between the first section and the second section (Fig 1-2c, 8-9c), and wherein the second threaded member is received in the outer housing of the first connector member when the first connector member is connected to the second connector member (Figs 8-9c); as to claim 61, see (74, Fig 9a); as to claim 62, see (74, Fig 9a); as to claim 63, see (66, 64, 72); as to claim 64, see (Fig 9a-c); as to claim 65, see (Fig 9a-c); as to claim 66, see (Fig 9a-c); as to claim 67, see (Fig 9a-c); as to claim 70, see (21); as to claim 71, see (21, 66, 16); as to claim 72, see (Figs 1-2c, 8-9c); as to claim 73, see (as to claim 61, see (8, Fig 1).

### ***Response to Arguments***

11. Applicant's arguments filed 1/3/2007 have been fully considered but they are not persuasive.

12. The Applicant argues that:

- i. "The cited references individually fail to teach a connector comprising an outer housing and a first threaded member coaxially disposed in the outer housing." (remarks, pg 17, paragraph 3)

13. In response to applicant's argument, the Examiner notes Webster's defines "coaxially" as "having coincident axes".

Art Unit: 3767

14. In response to applicant's argument, the Examiner notes that in Trombley the first connector (155) clearly has an outer housing (172) and a first threaded member (170) coaxially disposed and recessed within the outer housing. The threading is coaxial because it has the same coincident axis as the outer housing. The threading is recessed within the outer housing as the threads form recesses within the outer surface of the outer housing in a coaxial manner, meaning that the center axis of the threads is coaxial, or the same as, to the axis of the outer housing. The Examiner suggests further structurally defining the connector as shown in Fig 17 – ie, structurally define the first threaded member (1782) being separate from the outer housing (1780).

15. In response to applicant's argument, the Examiner notes that in Schwartz et al the first connector has a treaded portion on the inner surface of the outer housing. The first threaded portion is coaxially disposed in the outer housing because the first threaded portion shares the same axis and has the threading recessed into inner surface of the outer housing. The second connector additionally has a threading shown in the figure below to secure the second connector in the first connector.



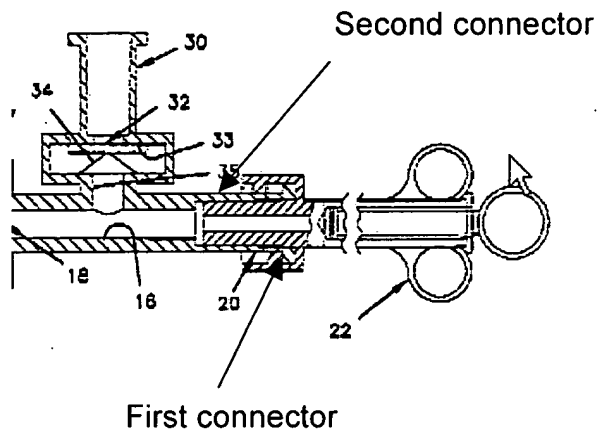


Figure 1: Schwartz et al

16. In response to applicant's argument, the Examiner notes that Raines et al also has the first connector (16) having a treaded portion (Fig 8; 64, Fig 8a) on the outer surface of the outer housing. The threaded portion is coaxially disposed in the outer housing and secures the first connector to the second connector (see fig 8).

Furthermore, the second connector (Fig 8 or (Fig 10a, 75, 87) clearly is threaded.

17. The rejections are maintained.

18. The Examiner suggests further structurally defining the connector as shown in Fig 17 – ie, structurally define the first threaded member (1782) being separate from the outer housing (1780).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3767

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Gilbert whose telephone number is (571) 272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3767

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Gilbert

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SUPERVISORY PATENT EXAMINER  
